

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6176

BILL NUMBER: HB 1401

NOTE PREPARED: Feb 27, 2003

BILL AMENDED: Feb 27, 2003

SUBJECT: Disciplinary Action for Filing Civil Lawsuits.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill prohibits the Department of Correction (DOC) from imposing disciplinary action on a committed person for filing a civil lawsuit if the person has not filed one or more previous civil lawsuits that a court has determined to be frivolous. It also provides that a person may not lose credit time for filing a frivolous, an unreasonable, or a groundless civil lawsuit.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) This bill would allow offenders to be released earlier from prison if DOC is prevented from depriving offenders of credit time because of filing frivolous civil lawsuits.

Background Information: DOC reports that between December 1998 and November 2002, 15 offenders were charged with filing frivolous lawsuits. Of these, ten were found guilty, three were found not guilty, and two were dismissed.

Of the ten offenders who were found guilty, four were deprived of credit time. Two were deprived of 90 days credit time each, and two were deprived of 60 days credit time each. Another four received written reprimands and losses of privileges.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction

Local Agencies Affected:

Information Sources: Department of Correction Planning Division

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